

## REMARKS

Applicant gratefully acknowledges the telephonic interview with the Examiner and the Examiner's supervisor conducted on May 14, 2008. Applicant has attempted to address the issues raised by the Examiner and the Examiner's supervisor in the interview with this response.

Applicant has studied the Final Office Action dated February 6, 2008. Claims 1-4, 6-9, 11, 12, 14 and 15 have been amended. Claims 1 and 11 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

### Amendments to the Claims

Claims 2-4, 6-9, 12, 14 and 15 have been amended to correct typographical or grammatical errors or to more clearly disclose the invention. It is respectfully submitted that the amendments have support in the application as originally filed and are not related to patentability.

### § 102 Rejections

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Young (U.S. Patent No. 4,706,121). Applicant respectfully disagrees with the Examiner's interpretation of Young and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it was respectfully noted in the

interview conducted on May 14, 2008 that the present invention is directed to an identified disadvantage in the prior art that is caused by “a small difference in base time between the channels of broadcast stations that provide a plurality of broadcast programs” that results in “the scheduled recording times for some of the broadcasting programs may be overlapped with each other.” See specification at paragraphs 0007-0012.

It was respectfully submitted in the interview conducted on May 14, 2008 that the present invention is directed to the problem presented by differences in times between channels that can skew the times at which the programs must be recorded and, therefore, cause conflicts between the recording times of programs on different channels. As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that a key element of the present invention is correcting a scheduled recording time of the broadcasting program reserved to record on the basis of calculated time correction data for channels, as recited in independent claims 1 and 11, and calculating time correction data for channels when power is turned on and determining whether the corrected scheduled recording times of the broadcasting programs overlap, as recited in independent claim 11.

On the other hand, as was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it was respectfully noted in the interview conducted on May 14, 2008 that Young is directed to different identified disadvantages in the prior art in that “the user must consult a published program guide ... in order to select **programs** for viewing” and “then set a VCR or other recording device to record the program” that makes it “easy to select **programs with conflicting time schedules**, with two or more programs overlapping each other” and the additional problem that “published program listings are not capable of handling last minute **schedule changes** and additions.” See Young at col. 1, line 44 to col. 2, line 22 (emphasis added).

It was respectfully submitted in the interview conducted on May 14, 2008 that Young is directed to the problem presented by a user having to use a published guide that cannot accommodate changes in the scheduled times of programs to determine

which programs to record and the times at which the programs are presented that leads to the possibility of the user selecting programs whose recording times conflict. It is respectfully noted that Young is directed to the problem presented by a user having to use a published guide that cannot accommodate changes in the scheduled times of programs to determine which programs to record and the times at which the programs are presented that leads to the possibility of the user selecting programs whose recording times conflict.

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it was respectfully noted in the interview conducted on May 14, 2008 that the solution disclosed by Young is directed to such advantages as a “process which allows a user to control a television set by selecting broadcast programs for viewing from **schedule information**” that is “capable of accommodating last minute **schedule changes**” and in which “all programs are selected by pointing to menu items” and “will automatically perform unattended recording of a **program of uncertain length**” and “the user is notified of **conflicting time schedules** for programs selected for viewing and/or recording.” See Young at col. 3, line 1 to col. 4, line 12 (emphasis added).

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully submitted that the disclosure in Young is directed to the selection and recording of **programs** according to **schedule information** and changes in the **time schedule** of the **programs** and is not directed to any “difference in base time between the **channels** of broadcast stations that provide a plurality of broadcast programs” and, therefore, does not disclose correcting a scheduled recording time of the broadcasting program reserved to record on the basis of calculated time correction data for channels, as recited in independent claims 1 and 11. It is further respectfully submitted that, although Young does identify potential conflicts in recording times, those conflicts are determined based on a user selection of programs for recording and Young does not provide any correction for differences in times between channels nor does Young identify conflicts in the recording times of programs based on differences in times between channels as the present invention does. Moreover, it is respectfully submitted that Young is directed to

the selection and recording of **programs** according to **schedule information** and changes in the **time schedule** of the **programs** and is **not** directed to any “difference in base time **between the channels** of broadcast stations that provide a plurality of broadcast programs.”

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully submitted that the portions of Young cited by the Examiner support the Applicant’s interpretation of Young.

With regard to the rejection of independent claim 1 and as was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the Examiner asserts, at page 2 of the Office action, that Young discloses “ascertaining whether there exists any broadcasting program reserved to record” at col. 19, ll. 49-55. Applicant respectfully disagrees with the Examiner’s interpretation of the cited portion of Young.

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the disclosure at col. 19, ll. 49-55 of Young is that when “the schedule mode is selected,” the “CPU 110 or 178 selects the schedule screen buffer to be displayed on TV 126 or 200” and the “schedule is presented on the upper half of the screen at 480.” As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully submitted that the cited disclosure is directed to displaying a “schedule” of programs from which a user may select a “program” for viewing or recording and there is no disclosure related to ascertaining whether there exists any broadcasting program reserved to record, as recited in independent claim 1. Moreover, it is respectfully submitted that Young is directed to **providing a “schedule”** from which a user may select programs to record rather than **determining if programs have been selected** for recording.

With regard to the rejection of independent claim 1 and as was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the Examiner asserts, at page 2 of the Office action, that Young discloses “correcting a scheduled recording time of the

broadcasting program reserved to record on the basis of calculated time correction data for channels” at col. 20, ll. 6-18. Applicant respectfully disagrees with the Examiner’s interpretation of the cited portion of Young.

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the disclosure at col. 20, ll. 6-18 of Young is “the listing pointed to by the cursor will be computed for non-conflict with existing listing” and “a warning message will appear in the status line field” if “the desired new listing schedule overlaps or conflicts with the existing listing” such that “the user is informed of a possible error before unattended recording is started.” As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully submitted that the cited disclosure is directed to identifying and informing a user if a “desired new listing schedule overlaps or conflicts with the existing listing” and there is no disclosure related to any “channels” on which any “broadcasting program reserved to record” is presented and, specifically, no disclosure of correcting a scheduled recording time of the broadcasting program reserved to record on the basis of calculated time correction data for channels, as recited in independent claim 1. Moreover, it is respectfully submitted that the claims require not only identifying conflicts, but also **correcting** a scheduled recording time **based on calculated correction data related to channels** and Young fails to disclose these recited limitations.

With regard to the rejection of independent claim 11 and as was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the Examiner asserts, at page 4 of the Office action, that claim 11 is “rejected for the same subject matter as claims 1 and 2.” As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully noted that the Examiner, at page 2 of the Office action, asserts with respect to claim 2 that Young discloses “when a power is turned on, calculating the time correction data for the channels” at col. 20, ll. 40-49. Applicant respectfully disagrees with the Examiner’s interpretation of the cited portion of Young.

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the disclosure at col. 20, ll. 40-49 of Young is “a schedule search is made once a minute” and “the TV set 126 or 200 is tested to see if it is on or off” when “the system clock time is within the schedule time.” As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully submitted that the cited disclosure is not directed to when power is turned on, as recited in claim 2 and independent claim 11, but rather to an ongoing process that occurs “once a minute.” As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully submitted that the cited disclosure is directed merely to searching a “schedule” to determine if “the system clock time” is within “the schedule time” of a program which a user desires to watch or record and, specifically, there is no disclosure of calculating time correction data for channels, as recited in claim 2 and independent claim 11. Moreover, it is respectfully submitted that Young is directed to detecting **whether** power is turned on when the time of day (“clock time”) coincides with the time period set for recording (“schedule time”), **not** to calculating a time correction **when** power is turned on.

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully submitted that the Examiner has failed to establish that Young provides the required complete identity of invention with respect to each element recited in independent claim 1, specifically with regard to ascertaining whether there exists any broadcasting program reserved to record and correcting a scheduled recording time of the broadcasting program reserved to record on the basis of calculated time correction data for channels. As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully submitted that the Examiner has also failed to establish that Young provides the required complete identity of invention with respect to each element recited in independent claim 11 and claim 2, specifically with regard to calculating time correction data for channels when power is turned on, correcting a scheduled recording time of the broadcasting program reserved

to record on the basis of calculated time correction data for channels and determining whether the corrected scheduled recording times of the broadcasting programs overlap.

With regard to the rejection of claims 3-7 and 9 and as was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the Examiner asserts, at pages 2-4 of the Office action, essentially the same portions of Young previously asserted with regard to independent claim 1 and claim 2 as providing disclosure to anticipate the limitations recited in claims 3-7 and 9. As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully noted that the Examiner asserts, at page 4 of the Office action, that claims 12-15 are "rejected for the same subject matter as claims 3, 5, 7 and 9 respectively."

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that claims 3, 4, 6 and 7 depend from independent claim 2 and specifically further limit the recited step of calculating time correction data for channels in claim 2. It is further respectfully noted that claims 12 and 14 further limit the recited step of calculating time correction data for channels in independent claim 11.

As previously respectfully submitted with regard to the rejection of independent claim 1 and claim 2, col. 20, ll. 6-18 and col. 20, ll. 40-49 of Young fail to disclose all the limitations recited therein. As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully submitted that the only additional portions of Young that the Examiner cites, specifically col. 20, ll. 50-65 and col. 12, ll. 13-24, provide no disclosure to overcome the previously identified deficiencies of Young with regard to independent claim 1 and claim 2, from which claims 3-7 and 9 depend.

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that the additional disclosure cited at col. 20, ll. 50-65 of Young is directed to sounding "the alarm 156" if the "TV 126 or 200" is determined to be off and to turning the "VCR 150 or 216" on in order "to record the program." As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24,

2007, it is further respectfully noted that the additional disclosure cited at col. 12, ll. 13-24 of Young is directed to a user being allowed to “list only the types of program (theme), only certain channels and only programs within a certain time” in order to “trigger an alarm or enable a VCR without user intervention ... for unattended recording.”

Therefore, as was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully submitted that the additional portions of Young cited by the Examiner with regard to claims 3, 4, 6 and 7 provide no disclosure related to the step of calculating time correction data for channels in claim 2, which those claims further limit. As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully submitted that the additional portions of Young cited by the Examiner with regard to claims 12 and 14 provide no disclosure related to the step of calculating time correction data for channels in independent claim 11, which those claims further limit.

As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is respectfully noted that claim 9 further limits the step of correcting a scheduled recording time of the broadcasting program reserved to record on the basis of calculated time correction data for channels in independent claim 1. As was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully noted that claim 15 further limits the step of correcting a scheduled recording time of the broadcasting program reserved to record on the basis of calculated time correction data for channels in independent claim 11.

As previously respectfully submitted with regard to the rejection of independent claim 1, col. 20, ll. 6-18 of Young fails to disclose correcting a scheduled recording time of the broadcasting program reserved to record on the basis of calculated time correction data for channels. Therefore, as was respectfully done in the response submitted on November 21, 2007 to the previous Office Action mailed on August 24, 2007, it is further respectfully submitted that the same portion of Young cannot disclose further limitations of the same step of correcting a scheduled recording time of the



broadcasting program reserved to record on the basis of calculated time correction data for channels.

Therefore, it is respectfully asserted that independent claims 1 and 11 are allowable over the cited reference. It is further respectfully asserted that claims 2, 3, 4, 6, 7, 9, 12, 14 and 15 are allowable over the cited reference by virtue of both the limitations recited therein and by virtue of their dependence from an allowable independent claim. Moreover, it is respectfully asserted that claims 5, 8, 10 and 13 also are allowable over the cited reference by virtue of their dependence from an allowable independent claim.

Notwithstanding that Applicant believe the claims of the present invention are in condition for allowance over the cited reference, independent claim 1 has been amended with this paper to recite time correction data corresponding to a time difference between the first channel and the second channel and 11 has been amended with this paper to recite time correction data corresponding to a time difference between channels and calculating time correction data for channels upon power up. It is respectfully noted that support for the amendments may be found in the application as original filed at paragraph 0012, paragraph 0046 and FIG. 2. It is respectfully submitted that Young fails to disclose these limitations even given the Examiner's interpretation.

It is respectfully noted that the Examiner's supervisor apparently agreed in the interview conducted on May 14, 2008 that Young does not explicitly disclose any "calculation" or "time correction data" but asserted that Young implies a calculated time correction between the "new listing schedule" and the "existing listing" in order to "update the schedule" and identify any "conflicts" and, therefore, also implies calculated time correction data for channels that is used to update the schedule and inform the user of "conflicts" by determining whether the corrected scheduled recording times of the broadcasting programs overlap. It is respectfully submitted that any calculated time correction data for channels arguably implied in Young is not analogous to time correction data corresponding to a time difference between the first channel and the second channel or time correction data corresponding to a time difference between channels.

It is respectfully noted that the Examiner's supervisor apparently agreed in the interview conducted on May 14, 2008 that Young does not disclose any explicit or implied "calculation" that is performed when power is applied but asserted that when power is turned on as recited in the claims of the present invention is broad enough to encompass "while power is turned on" or, in other words, that the implied "calculation" in Young is performed if "power is applied" and, therefore, anticipates the recited limitation when power is turned on given that the limitation fails to require that the process is performed upon the **application** of power. It is respectfully submitted that any "calculation" arguably implied in Young as performed if "power is applied" is not analogous to calculating time correction data for channels upon power up.

Therefore, it is respectfully asserted that amended independent claims 1 and 11 are allowable over the cited reference. It is further respectfully asserted that claims 2, 3, 4, 6, 7, 9, 12, 14 and 15 are allowable over the cited reference by virtue of both the limitations recited therein and by virtue of their dependence from an allowable independent claim. Moreover, it is respectfully asserted that claims 5, 8, 10 and 13 also are allowable over the cited reference by virtue of their dependence from an allowable independent claim.

### CONCLUSION

In view of the above remarks, Applicant submits that claims 1-15 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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